Categorization of cross border terrorism

3483. SHRI TARIQ ANWAR:
DR.T. SUBBARAMI REDDY:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Chief Justice of India has expressed serious concern over cross border terrorism and suggested that such attacks should be treated as an offence recognized under the International Criminal Law as 'Crime Against Humanity' and tried before a supra-national body such as the International Criminal Court;

(b) if so, whether his suggestions have been seriously considered by Government; and

(c) if so, by when they are likely to be implemented?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (c) The information is being collected and the same will be laid on the Table of the House.

Undertrials in jails

3484. SHRI R.C. SINGH:
SHRI D. RAJA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that hundreds of undertrials are incarcerating in various jails for the periods exceeding the term of their probable sentence;

(b) if so, the number of such undertrials in various jails;

(c) whether it is also a fact that various pronouncements of High Courts and the Supreme Court on this issue have not been found effective in reducing the number of undertrials in jails; and

(d) if so, the details thereof and the reasons for the failure in the matter and what new measures are proposed to be taken to reduce the number of undertrials in various jails in the country?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (d) Information on the time spent by under-trial prisoners,while their cases are under the process of adjudication in the courts, as against the period of their respective probable sentences is not maintained centrally. However, as per the information available, 2,50,727 under-trial prisoners were under detention at the end of 2007. Out of these, 1,03,624, i.e. 41.3% of the total number of under-trial prisoners in jails were under detention for a period up to three months.

Conducting trial expeditiously to render justice to the under-trials is a matter within the domain of the judiciary and the facilitation of such trials is primarily the responsibility of the State Governments. Central Government has taken the following steps for facilitating delivery of justice to the under-trials and also to provide that under-trials do not spend long periods in jail:

(i) A new section viz 436A has been inserted in the Code of Criminal Procedure, 1973 to provide that where an under-trial prisoner other than the one accused of an offence for which death

has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an under-trial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

Section 436(1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused of a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.

(ii) In 2006, the Government of India introduced the system of 'plea bargaining', primarily to reduce pendency of cases in trial courts and overcrowding in prisons.

(iii) Fast Track Courts were set up for speedy disposal of long pending sessions cases and the cases of under-trial prisoners.

Royalty on minerals

3485. SHRI N.K. SINGH:
SHRI RAJKUMAR DHOOT:
Will the Minister of MINES be pleased to state:

(a) whether the Federation of Indian Minerals Industries (FIMI) has opposed the proposed market linked royalty on minerals including iron ore;

(b) if so, whether the Federation has also urged Government to hike the levy in the existing production linked system;

(c) if so, the criteria laid down on providing royalty to the States on minerals;

(d) whether Government proposes to revise the criteria; and

(e) if so, the details thereof?

THE MINISTER OF MINES (SHRI B.K. HANDIQUE): (a) to (e) The Central Government constituted a Study Group for revision of rates of royalty and dead rent, which included State Governments, concerned Ministries/Departments of Central Government and Federation of Indian Minerals Industries (FIMI). The views of FIMI were considered by the Study Group and rates of royalty and dead rent recommended to Central Government taking into account the dynamics of market and provides buoyancy in revenues without interference of Government. The Report of the Study Group is available on the website of Ministry of Mines (http://www.mines.gov.in). Based on the recommendations of Study Group, Government has revised rates of royalty and dead rent vide Official Gazette Notification No. G. S. R. 574(E) dated 13.8.2009 and G. S. R. 575(E) dated 13.8.2009 respectively.

Minority dominated districts

†3486. SHRIMATT MAYA SINGH: Will the Minister of MINORITY AFFAIRS be pleased to state:

†Original notice of the question was received in Hindi.